



10/26/04

AF#

PATENT
450100-02622

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

RECEIVED

OCT 27 2004

Technology Center 2600

Applicants : Tomoko OYABU et al.

Serial No. : 09/627,725

Filed : July 28, 2000

For : PROGRAM GUIDE INFORMATION PROVIDING DEVICE,
PROGRAM DEVICE INFORMATION PROVIDING SYSTEM,
INFORMATION RECEIVING DEVICE, REMOTE OPERATING
SYSTEM, AND METHOD THEREOF

Examiner : Son P. Huynh

Art Unit : 2611

745 Fifth Avenue
New York, New York 10151
Tel. (212) 588-0800

EXPRESS MAIL

Mailing Label Number EV468997775US

Date of Deposit October 25, 2004

I hereby certify that this paper or fee is being
deposited with the United States Postal Service
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under 37 CFR 1.10 on the date indicated above and
is addressed to the Mail Stop AF Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Barnet Shindler

(Typed or printed name of person
mailing paper or fee)

[Signature]

(Signature of person mailing paper or fee)

NOTICE OF APPEAL UNDER 37 CFR 1.191 FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals
and Interferences from the Examiner's Decision, in the Official
Action dated April 26, 2004, finally rejecting claims 1-40.

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The item(s) checked below are appropriate:

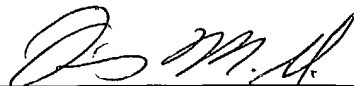
- (1) ☒ This response is being filed concurrently with a No-Fee Petition to Grant Filing of Notice of Appeal Without Payment of the Notice of Appeal Fee and Extension of Time Fees. If such Petition is not granted, then this is a Petition to Request the Appropriate Extension of Time.
- (2) ☒ Notice of Appeal Fee Under 37 C.F.R. 1.17(e):
\$340.00

This response is being filed concurrently with a No-Fee Petition to Grant Filing of Notice of Appeal Without Payment of the Notice of Appeal Fee and Extension of Time Fees. If such Petition is not granted, then please charge the Notice of Appeal fee to our Deposit Account No. 50-0320.
- ☐ Enclosed
- ☐ Not required (Fee paid in prior appeal)
- (3) ☒ Please charge any additional fees incurred by reason of this response or credit any overpayment to Deposit Account No. 50-0320.
- (4) ☒ An Oral Hearing is requested.

(Two additional copies of the Notice are enclosed
herewith).

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 
Dennis M. Smid
Registration No. 34,930
Tel. (212) 588-0800



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Tomoko OYABU et al.
Serial No. : 09/627,725
For : PROGRAM GUIDE INFORMATION PROVIDING
DEVICE, PROGRAM DEVICE INFORMATION
PROVIDING SYSTEM, INFORMATION
RECEIVING DEVICE, REMOTE OPERATING
SYSTEM, AND METHOD THEREOF
Filed : July 28, 2000
Examiner : Son P. HUYNH
Art Unit : 2611

745 Fifth Avenue
New York, New York 10151
Tel. (212) 588-0800

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Date of Deposit: October 25, 2004

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Barret Shindler
(Typed or printed name of person mailing paper or fee)

Barret Shindler
(Signature of person mailing paper or fee)

**NO-FEE PETITION TO GRANT FILING OF NOTICE OF APPEAL WITHOUT
PAYMENT OF THE NOTICE OF APPEAL FEE AND EXTENSION OF TIME FEES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a No Fee Petition to contend that no fees are due for the filing of the Notice of Appeal in the above-referenced application.

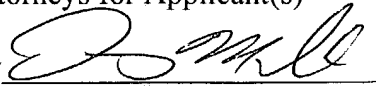
In response to the Final Office Action dated April 26, 2004, a response was timely mailed on May 26, 2004, two months in advance of the shortened statutory period for a reply and received by the U.S. Patent and Trademark Office (PTO) on June 1, 2004, as acknowledged by the enclosed, stamped return receipt postcard. A copy of the Amendment (together with a return receipt postcard) was resent via facsimile to the attention of Examiner Son P. Huynh on October 22, 2004. This matter was also discussed during telephone conferences between the Examiner and Dennis Smid (one of the applicants' undersigned attorneys) and Theo Kountotsis (one of the applicants' undersigned patent agents) on October 22, and 25, 2004.

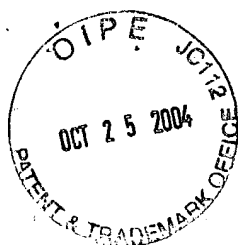
Applicants submit that since a response to the Final Office Action was mailed within two months of the mailing date of the Final Office Action and since an Advisory Action has apparently not yet been mailed (as indicated by a search conducted today in the Patent Application Information Retrieval ("PAIR"), a copy of which is enclosed), the shortened statutory period should be extended until at least today. As a result, no extension of time fees in this matter should be due.

The Notice of Appeal is being filed concurrently with this Petition, and it is respectfully requested that Applicants not be charged for the Notice of Appeal Fee, for the reasons noted above.

If the Petition is not granted, then the PTO is authorized to charge our Deposit Account No. 50-0320 for the Notice of Appeal fee of \$340.00 and/or any extension of time fees which may be due and/or any additional fees which may be due. Further, if needed, this is to be considered a Petition for an Extension of Time for the necessary amount of time.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant(s)

By 
Dennis M. Smid
Registration No. 34,930
(212) 588-0800



Serial No. 09/627,725 File No. 450 0-02622 By GK/TK
Title in the Matter of the Application of Oyabw et al
Applicant(s)/Inventor(s) _____
The following due 7/26/04 in the U.S. Patent Office, was received in the Patent Office
☐ Affidavit ☐ Declaration ☐ Express Mail Mailing Label # _____
☐ Amendment ☐ (separate sheet)
☐ Preliminary Amendment ☐ Check No. _____ for \$ _____
☒ Amendment After Final Rejection ☐ Deposit Account Order Form
☐ Request for Extension of Time ☐ Drawing _____ Sheet(s)
☐ Provisional Patent Application ☐ Information Disclosure Statement
☐ Application for Patent, including ☐ PTO Form 1449
_____ Pages Specification _____ Claims _____ Abstract ☐ Issue Fee/Publication Fee Transmittal
☐ Declaration ☐ Oath ☐ Power ☐ Appeal Brief (triplicate) ☐ Letter
☐ Request for Filing Continuation or Divisional ☐ Application for TM Registration
Application _____ sheets Including _____ Specimens
☐ PCT Request _____ sheets, including ☐ Status Request ☐ Notice of Appeal (trip
☐ Transmittal Letter ☐ Petition ☐ Response
☐ Request for Continued Exam (RCE) ☐ Priority Document
☐ Assignment ☐ Recordation Cover Sheet ☐ Statement of Use
☒ Amendment Fee Transmittal ☐ Response to Examiner's Statement
☐ Claim of Priority ☐ Search Report
☐ Request for Approval of Drawings ☐ Response to Notice to File Missing Parts
☐ Diskette with Sequence Listing ☐ _____

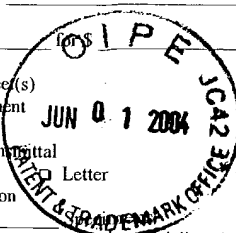
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Serial No. 09/627,725 File No. 450100-02622 By GK/TK
Title in the Matter of the Application of Oyabw et al
Applicant(s)/Inventor(s) _____
The following due 7/26/04 in the U.S. Patent Office, was received in the Patent Office
☐ Affidavit ☐ Declaration ☐ Express Mail Mailing Label # _____
☐ Amendment ☐ (separate sheet)
☐ Preliminary Amendment ☐ Check No. _____
☒ Amendment After Final Rejection ☐ Deposit Account Order Form
☐ Request for Extension of Time ☐ Drawing _____ Sheet(s)
☐ Provisional Patent Application ☐ Information Disclosure Statement
☐ Application for Patent, including ☐ PTO Form 1449
_____ Pages Specification _____ Claims _____ Abstract ☐ Issue Fee/Publication Fee Transmittal
☐ Declaration ☐ Oath ☐ Power ☐ Appeal Brief (triplicate) ☐ Letter
☐ Request for Filing Continuation or Divisional ☐ Application for TM Registration
Application _____ sheets Including _____ Specimens
☐ PCT Request _____ sheets, including ☐ Status Request ☐ Notice of Appeal (triplicate)
☐ Transmittal Letter ☐ Petition ☐ Response
☐ Request for Continued Exam (RCE) ☐ Priority Document
☐ Assignment ☐ Recordation Cover Sheet ☐ Statement of Use
☒ Amendment Fee Transmittal ☐ Response to Examiner's Statement
☐ Claim of Priority ☐ Search Report
☐ Request for Approval of Drawings ☐ Response to Notice to File Missing Parts
☐ Diskette with Sequence Listing ☐ _____



Mailed: 5/26/04